

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

MARY EARNESTINE DAVIS,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:03CV335-P-A

BL DEVELOPMENT CORP.,

DEFENDANT.

ORDER

This matter comes before the court upon Defendant's January 21, 2005 Motion for Summary Judgment [34-1]. Because this particular motion is identical to that filed as docket number [31-1] on January 20, 2004, the court finds that the instant motion, it being the latter filed, should be denied as moot.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's January 21, 2005 Motion for Summary Judgment [34-1] is **DENIED AS MOOT**.

SO ORDERED this the 29th day of July, A.D., 2005.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE